

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

[PROPOSED] ORDER

Before the Court is the United States' Motion for a Protective Order with respect to the Defendants' First Request for Production of Documents. (Ex. 1). After reviewing the documents on file and hearing arguments of counsel, the Court GRANTS the motion.

The Federal Rules of Civil Procedure provide that a party may only seek information through discovery "that is relevant to [its] claims or defenses" or is "reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1). In this litigation, the United States alleges that Texas' SB 14 (2011) violates Section 2 of the Voting Rights Act, 42 U.S.C. § 1973. As such, the United States is entitled to seek relevant information to support its claim as to the intent and result of Texas' voter identification requirement and Texas may likewise seek relevant information from the United States to support its defense that its voter

identification requirement complies with federal law. It appears that an underlying premise of the Defendants' position is that because the United States has sought a particular category of information, then the State has the right to seek identical discovery from the United States simply because it is an opposing party. However, all discovery requests are constrained by the requirements of the Federal Rules of Civil Procedure. It is clear that certain definitions present in the document requests that Texas served on the United States seek information that exceeds that permitted by the Federal Rules of Civil Procedure because they seek information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

ACCORDINGLY, IT IS HEREBY ORDERED THAT

1. Definition number 3 of Defendants' First Request for Production to Plaintiff United States of America is amended to read as follows:

The terms "you" and "your" means the Civil Rights Division of the Department of Justice and the Office of the Attorney General of the Department of Justice, including their attorneys, agents, experts, and support personnel.

2. Definition number 4.b of Defendants' First Request for Production to Plaintiff United States of America is amended to read as follows:

"Electronically stored information. The term "electronically stored information" means electronic information that is stored in a medium from which it can be retrieved and examined. It includes, but is not limited to, all electronic files that are electronically stored.

(1) "Electronic file" includes electronic documents and e-mail messages and files.

(2) "Electronic information system" refers to a computer system or network that contains electronic files and electronic storage.

(3) "Electronic storage" refers to electronic files contained on magnetic, optical, or other storage media maintained by the Department of Justice.

3. Nothing in this Order shall affect the procedures to which parties have agreed regarding the exchange of those data necessary to conduct the database comparison.

ORDERED this _____ day of _____ 2014

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE